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To: Examiner Sathyanaraya R. Pannala Art Unit 2167	Facsimile No.: 703/872-9306 Main No. of Receiving Firm:
From: Stephen R. Tkacs/act Date: February 1, 2005	No. of Pages Including Cover Sheet: 4 total
Message: Applicant Initiated Interview Request Form and Agenda for Telephone Interview following.	
RE: application no. 09/895,231; docket no. AUS920010286US1	

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PTOL-413A (08-09)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/895,231 First Named Applicant: David Michael Koelle
 Examiner: Sathyanaaraya R. Pennala Art Unit: 2167 Status of Application: Office Action
issued 11.02.04

Tentative Participants:

(1) Stephen R. Kacs (2) Ex. Sathyanaaraya R. Pennala
 (3) _____ (4) _____

Proposed Date of Interview: 2/8/2005 Proposed Time: 2:00 (AM/PM) EST

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES

☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Ref., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>1-29</u>	<u>102</u>	<u>Kenner</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Abst</u>	_____	<u>objection</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

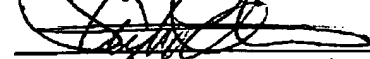
See attached Agenda

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.



(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 112 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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In re application: Koelle et al.

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Serial No.: 09/895,231

Group Art Unit: 2167

Filed: June 29, 2001

Examiner: Pannala, Sathyanaraya R.

For: Decentralized, Self-Regulating
System for Automatically Discovering
Optimal Configurations in a Failure-
Rich Environment

Attorney Docket No.: AUS920010286US1

AGENDA FOR TELEPHONE INTERVIEW

Sir:

I would like to request a telephone interview on February 8, 2005. Please consider the following topics for discussion:

- While the Abstract may bear some similarities to the Summary section of the instant disclosure, no such grounds for objection exist. The originally filed Abstract complies with the proper content of an abstract of the disclosure, as stated in the Office Action. Appellants submit that the objection should be withdrawn because the Abstract complies with all rules and statutes.
- *Kenner* relies on video clips being duplicated. *Kenner* does not teach assigning management of a video clip to another SRU. If a request is handled by another SRU due to failure of a SRU, the other SRU already manages the video clip. There is no change in the assignment of management. In fact, as seen above, *Kenner* teaches that if a video clip is managed by only one SRU and that SRU fails, then a delay will be inevitable. *Kenner* does not teach what happens if a SRU fails to deliver the video clip altogether. (claims 1, 10, 12, and 21)
- *Kenner* does not teach that assignment of management of data sets is changed based on an optimization criteria. In fact, the Office Action alleges that *Kenner*

teaches an optimization criteria that is "the most frequently accessing compared a predetermined value." However, *Kenner* does not teach that this same optimization criteria is used to assign a data set to another SRU when an SRU fails. In fact, *Kenner* only teaches that a request for a video clip may be handled by another SRU only if that other SRU already manages the same video clip. (claims 1, 10, 12, and 21)

- *Kenner* does not teach or fairly suggest responsive to an additional service joining the distributed set of services, querying management of the data within the related sets of data, as alleged in the Office Action. In no way is an under-run count parameter equivalent to a data service being added to a distributed set of data services. The Office Action accurately characterizes the teachings of the reference, but fails to proffer any analysis as to why the teachings are somehow related to the claimed invention. (claims 5, 6, 11, 16, 17, 25, and 26)

- The Office Action proffers no explanation as to how duplicating video clips based on the most frequently requested is somehow equivalent to assigning management of data sets by data services based on location of the services. (Claims 2, 7, 13, 18, 22, and 27)

- The Office Action proffers no explanation as to why an under-run count and directing requests to other SRUs is somehow equivalent to examining by the set of remaining services the related set of data managed by a failed service. (Claims 3, 8, 14, 19, 23, and 28)

- *Kenner*, in fact, does not teach or fairly suggest determining whether data within the related set of data are at the same location as a service within the set of remaining services. (claims 4, 9, 15, 20, 24, and 29)

The Examiner is invited to call at the below-listed telephone number to confirm or reschedule the requested telephone interview.

Stephen R. Tkacs
Reg. No. 46,430
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777